

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
)	
Children's Television Obligations)	MM Docket No. 00-167
Of Digital Television Broadcasters)	
)	

To: Secretary, Federal Communications Commission

COMMENTS OF THE WALT DISNEY COMPANY

The Walt Disney Company ("Disney")¹ hereby files Comments in response to the Second Further Notice of Proposed Rulemaking ("Second Further Notice") in the above-captioned proceeding.² In the Second Further Notice, the Commission sought comment on a joint proposal filed by Disney and other broadcast and cable providers of children's programming and a large number of children's interest groups (the "Joint Proposal"). The Joint Proposal reflects the substantive terms of a

¹ These comments are submitted on behalf of certain entities controlled by The Walt Disney Company. The specific entities are: (i) the ABC Cable Networks Group and International Family Entertainment, Inc. (including Disney Channel, Toon Disney and ABC Family and the websites affiliated with these channels, abcfamily.com, disneychannel.com, playhousedisney.com and toondisney.com); (ii) the ABC Television Network and the ABC-owned television stations (those ABC affiliates ultimately owned by The Walt Disney Company), and the affiliated station and network websites, *e.g.*, abckids.com; and (iii) the Walt Disney Internet Group, including all websites affiliated with The Walt Disney Company, *e.g.*, disney.com. For ease of reference, these entities are collectively referred to herein as "Disney."

² See In the Matter of Children's Television Obligations of Digital Television Broadcasters, *Second Further Notice of Proposed Rulemaking*, MM Docket No. 00-167, FCC 06-33 (rel. March 24, 2006) ("*Second Further Notice*").

settlement agreement (the “Settlement Agreement”) that resolved numerous challenges to the children’s television rules that were adopted in September 2004.³ The Joint Proposal was negotiated over countless hours by the advocacy and industry groups and it serves the Commission’s goals in the underlying rulemaking. As a signatory to the Settlement Agreement and Joint Proposal, Disney is filing these Comments to respectfully request that the Commission expeditiously adopt the Joint Proposal in its entirety.

Disney is a leader in providing high-quality programming to families and children on many outlets, including ABC, Disney Channel, Toon Disney, and ABC Family. Although Disney filed a Petition for Reconsideration of the Commission’s rules, and subsequently filed litigation, Disney is delighted that the industry representatives and interest groups reached a settlement that resolves the pending litigation. The Settlement Agreement resulted from many long and earnest negotiating sessions, and Disney expresses its appreciation to the interest groups and to the other industry players for the many long hours spent in reaching the compromise that currently is before the Commission. The Joint Proposal contains a set of rules that can be implemented immediately – without the continuing confusion and uncertainty of litigation and administrative proceedings. Moreover, the rules set forth in the Joint Proposal address the Commission’s policy concerns that were the basis for the rules adopted in 2004. Thus, Disney submits that the

³ *Report and Order and Further Notice of Proposed Rulemaking*, 19 FCC Rcd 22,943 (2004).

Joint Proposal is in the public interest and should be implemented fully and without further modification.

Indeed, according to the terms of the Settlement Agreement, Disney already is complying with the terms of the Joint Proposal and Disney urges the Commission to take advantage of the momentum created by all the parties involved in the settlement to move swiftly to formalize the rules. Any delay in adoption of the rules is unwarranted and would jeopardize the Joint Proposal and the Settlement Agreement. Moreover, as to whether any changes to the Joint Proposal are warranted, the Settlement Agreement provides that the commitments made by the industry participants will be effective only if the Joint Proposal is adopted by the Commission “in its entirety and without material change, and only if the Commission takes no action inconsistent with the Joint Proposal and imposes no additional material obligations or restrictions.”⁴ Therefore, changes to the carefully negotiated compromise that was reached between a broad and varied range of interests would not be in the public interest because they would only result in placing all the parties back before the Commission and the courts, thus returning the children’s television rules to a state of confusion and uncertainty.

Conclusion.

Disney respectfully submits that it is in the public interest for the Commission to move swiftly to adopt the Joint Proposal in its entirety.

Respectfully submitted,

⁴ Settlement Agreement, Section 2(d).

THE WALT DISNEY COMPANY

By: /s/ Susan L. Fox

Susan L. Fox, Esq.
Vice President, Government Relations
THE WALT DISNEY COMPANY
1150 17th St., N.W., Suite 400
Washington, DC 20036
(202) 222-4700

April 24, 2006